

REMARKS

By this amendment, claims 1, 7-9 and 18-20 have been amended. Claim 3 was previously canceled. Some amendments to the claims have been made to place the same in better form and to correct for minor errors. Support for the amendments to the claims can be found in the specification and drawings as originally filed. Claims 1, 2 and 4-34 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is requested.

Rejection under 35 U.S.C. §103

Claims 1, 11, 14, 18, 20-28, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yamanaka et al. (US Patent Application Publication 2001/0016834; hereafter **Yamanaka**) in view of Brown et al (US Pub No. 2003/0046548; hereafter **Brown**) further in view of Bayer (US 20070101139; hereafter **Bayer**). With respect to claim 1, applicant respectfully traverses this rejection on the grounds that the **Yamanaka**, **Brown** and **Bayer** references are defective in establishing a prima facie case of obviousness.

Independent claim 1, as now presented, more clearly recites, inter alia, the specific feature limitation of "wherein the *electronic application* is (i) *pertinent ...* and (ii) *restricts* user access to ... the *removable storage medium*; and *subsequent* to the user being *provided with* the ... electronic content, *providing ... advertising content* to the user *accessible* via a *remote service*, the ... *advertising content* comprising *control commands* that are ... *generated* via the *remote service* upon the user selecting and playing the ... *advertising content*, the *control commands* enabling the electronic application to render *electronic content* of the *storable electronic content* accessible to the user for *playback* of the *electronic content* from the *removable storage medium*" (emphasis added). Support for the amendments to claim 1 (as well as amendments to claims 18 and 20) can be found in the specification at least in the title, abstract, and on

page 2, lines 3-26; page 3, lines 23-26 and 28-31; page 5, line 8; page 13, lines 24-26; and FIG. 1).

Applicant submits that neither **Yamanaka**, **Brown** nor **Bayer** discloses at least the aforementioned specific feature limitation of independent claim 1. In addition, it is submitted that the primary citation to **Yamanaka** does not disclose at least the claimed enabling an electronic transaction with respect to a removable storage medium and an electronic application that is (i) pertinent to the removable storage medium and (ii) restricts user access to the content of the removable storage medium. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **Yamanaka**, **Brown** and **Bayer** is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The primary citation to **Yamanaka** relates to a digital content billing system using networks in which a distributor *downloads* digital content to a *user* through a network and the *user sends an execution declaration* of the *digital content* to an *administrator*, whereby the *administrator downloads an execution key* and an *advertising information piece* received from an advertiser to the *user* through the network. The *user* can use the digital content *made usable* by the *execution key* while seeing the advertising information piece (See Yamanaka, Abstract).

The Office Action contends that the method of enabling of an electronic transaction comprising providing storable electronic content to a user, providing an electronic application to the user that restricts user access to the storable electronic content; and subsequent to the user being providing with the storable electronic content, providing electronic advertising content to the user, the electronic advertising content comprising control commands that are receivable from a party other than the user, the control commands are generated upon the user selecting ... the electronic advertising content, the control commands enabling the electronic application to render the electronic content accessible to the user (user selects the desired genre of the advertising information piece, the admin downloads the execution key of the digital

content enabling the content usable) meets like feature limitations of independent claim 1. (Office Action, page 3). This contention is respectfully traversed, in view of the present amendments to claim 1.

As amended herein, independent claim 1 now more clearly recites “providing storable electronic content to a user *via a removable storage medium* ... providing an electronic application ...wherein the *electronic application* is (i) pertinent to the removable storage medium and (ii) restricts user access to the storable electronic content of the *removable storage medium*.” In addition, claim 1 also more clearly recites “...*control commands* enabling the *electronic application* to render the *electronic content* of the *storable electronic content* accessible to the user for playback of the *electronic content* from the *removable storage medium*.”

In addition, **Yamanaka** expressly teaches that a distributor *downloads* digital content to a *user* through a network (See Yamanaka in the Abstract at line 7 and in paragraph [0271]). As discussed in the present specification, transferring content over a wired network typically requires a large bandwidth (See present specification at least on page 1, lines 15-16), whereas transfer of content over a wireless network is not feasible due to the low bandwidth of the wireless network (See present specification at least on page 1, lines 22-23). In addition, the embodiments of the present application advantageously provide content to a device connected to a wireless network that is not constrained by the bandwidth of the network (i.e., the digital content is provided via a removable storage medium inserted into a media drive of the portable wireless device, see present specification at least on page 1, lines 30-31; page 2, lines 3-36; and FIG. 1). Thus, **Yamanaka** cannot reasonably be interpreted to disclose the aforementioned feature of independent claim 1.

The secondary citation to **Brown** relates to an apparatus and method for providing access rights information on computer accessible content such that use of the information and content is controlled based on the access rights information, wherein access rights information tags are associated with information and content to control

access to the content (See Brown, Abstract). In addition, the tertiary citation to **Bayer** relates to a system for protecting information over the internet in which each client computer system connects to a web site to receive a respondent identifier and software (See Bayer, Abstract). Applicant submits that **Brown** and **Bayer** do not add anything that would remedy the aforementioned deficiency in **Yamanaka**. Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. §103(a) are respectfully requested.

Claims 11 and 14 depend from and further limit allowable independent claim 1 and therefore are allowable as well. Withdrawal of the rejection is respectfully requested.

Claim 18 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 18 is believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claim 20 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 20 is believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Claims 21-28 and 32 depend from and further limit allowable independent claim 20 and therefore are allowable as well. Withdrawal of the rejection is respectfully requested.

Claims 2 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Yamanaka**, **Brown** and **Bayer** in view of Wu (US Pat No. 6874018; hereafter **Wu**). Applicant respectfully traverses this rejection for at least the following reason. Claims 2 and 15-17 depend from and further limit allowable independent claim 1 and therefore are allowable as well. Withdrawal of the rejection is requested.

Claims 4 and 29-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Yamanaka, Brown, Bayer** and **Wu** further in view of Lamkin et al. (US Patent Application Publication 2004/0220926; hereafter **Lamkin**). Applicant respectfully traverses this rejection for at least the following reason. Claim 4 depends from and further limits allowable independent claim 1 and therefore is allowable as well. Claims 29-31 depend from and further limit allowable independent claim 20 and therefore are allowable as well. Withdrawal of the rejection is respectfully requested.

Claims 10 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Yamanaka, Brown,** and **Bayer** further in view of Lamkin et al. (US Patent Application Publication 2004/0220926; hereafter **Lamkin**). Applicant respectfully traverses this rejection for at least the following reason. Claim 10 depends from and further limits allowable independent claim 1 and therefore is allowable as well. Claim 34 depends from and further limits allowable independent claim 20 and therefore is allowable as well. Withdrawal of the rejection is respectfully requested.

Claims 6-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Yamanaka, Brown, Bayer** and **Wu** further in view of Lamkin et al. (US Patent Application Publication 2004/0220926; hereafter **Lamkin**). Applicant respectfully traverses this rejection for at least the following reason. Claims 6-8 depend from and further limit allowable independent claim 1 and therefore are allowable as well. Withdrawal of the rejection is respectfully requested.

Claims 12-13 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Yamanaka, Brown,** and **Bayer** further in view of Donian et al. (US Patent Application Publication 2004/0003398; hereafter **Donian**). Applicant respectfully traverses this rejection for at least the following reason. Claims 12-13 depend from and

further limit allowable independent claim 1 and therefore are allowable as well. Claim 19 depends from and further limits allowable independent claim 18 and therefore is allowable as well. Withdrawal of the rejection is respectfully requested.

Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over **Yamanaka, Brown, and Bayer** in view of Lamkin et al. (US Patent Application Publication 2004/0220926; hereafter **Lamkin**), further in view of Donian et al. (US Patent Application Publication 2004/0003398; hereafter **Donian**). Applicant respectfully traverses this rejection for at least the following reason. Claim 9 depends from and further limits allowable independent claim 1 and therefore is allowable as well. Withdrawal of the rejection is respectfully requested.

Claims 5 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Yamanaka, Brown, Bayer, Wu** in view of Ochiyama et al. (US Patent Application Publication 2004/0031377; hereafter **Ochiyama**). Applicant respectfully traverses this rejection for at least the following reason. Claim 5 depends from and further limits allowable independent claim 1 and therefore is allowable as well. Claim 33 depends from and further limits allowable independent claim 20 and therefore is allowable as well. Withdrawal of the rejection is respectfully requested.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims, the specification, and the prior art. Regardless of

whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

The matters identified in the Office Action of September 9, 2010 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1, 2 and 4-34 is requested.

Respectfully submitted,

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Dated: December 2, 2010
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a-32658.438